

SUBCHAPTER G—INVENTION EVALUATION PROCEDURES
[RESERVED]
SUBCHAPTERS H–I [RESERVED]
SUBCHAPTER J—ACCREDITATION AND ASSESSMENT
PROGRAMS

PART 280—FASTENER QUALITY

Subpart A—General

Sec.

280.1 Description of rule/Delegation of authority.

280.2 Definitions used in this subpart.

Subpart B—Petitions, Affirmations, and Laboratory Accreditation

280.101 Petitions for approval of documents.

280.102 Affirmations.

280.103 Laboratory accreditation.

Subpart C—Enforcement

280.200 Scope.

280.201 Violations.

280.202 Penalties, remedies, and sanctions.

280.203 Administrative enforcement proceedings.

280.204 Institution of administrative enforcement proceedings.

280.205 Representation.

280.206 Filing and service of papers other than charging letter.

280.207 Answer and demand for hearing.

280.208 Default.

280.209 Summary decision.

280.210 Discovery.

280.211 Subpoenas.

280.212 Matter protected against disclosure.

280.213 Prehearing conference.

280.214 Hearings.

280.215 Interlocutory review of rulings.

280.216 Proceeding without a hearing.

280.217 Procedural stipulations; extension of time.

280.218 Decision of the administrative law judge.

280.219 Settlement.

280.220 Reopening.

280.221 Record for decision and availability of documents.

280.222 Appeals.

Subpart D—Recordal of Insignia

280.300 Recorded insignia required prior to offer for sale.

THE WRITTEN APPLICATION

280.310 Application for insignia.

280.311 Review of the application.

280.312 Certificate of recordal.

280.313 Recordal of additional insignia.

POST-RECORDAL MAINTENANCE

280.320 Maintenance of the certificate of recordal.

280.321 Notification of changes of address.

280.322 Transfer or amendment of the certificate of recordal.

280.323 Transfer or assignment of the trademark registration or recorded insignia.

280.324 Change in status of trademark registration or amendment of the trademark.

280.325 Cumulative listing of recordal information.

280.326 Records and files of the United States Patent and Trademark Office.

AUTHORITY: 15 U.S.C. 5401 *et seq.*; Pub. L. 101-592, 104 Stat. 2943, as amended by Pub. L. 104-113, 110 Stat. 775; Pub. L. 105-234, 112 Stat. 1536; and Pub. L. 106-34, 113 Stat. 118.

SOURCE: 61 FR 50558, Sept. 26, 1996, unless otherwise noted.

Subpart A—General

§ 280.1 Description of rule/Delegation of authority.

(a) Description of rule. The Fastener Quality Act (the Act) (15 U.S.C. 5401 *et seq.*, as amended by Public Law 104-113, Public Law 105-234, and Public Law 106-34):

(1) Protects against the sale of mismarked, misrepresented, and counterfeit fasteners; and

(2) Eliminates unnecessary requirements.

(b) Delegations of authority. The Director, National Institute of Standards and Technology has authority to promulgate regulations in this part regarding certification and accreditation. The Secretary of Commerce has delegated concurrent authority to amend the regulations regarding enforcement of the Act, as contained in subpart C of this part, to the Under Secretary for Export Administration. The Secretary of Commerce has also delegated concurrent authority to amend the regulations regarding record

of insignia, as contained in subpart D of this part, to the Under Secretary for Intellectual Property and Director of the United States Patent and Trademark Office.

[65 FR 39801, June 28, 2000]

§ 280.2 Definitions used in this subpart.

In addition to the definitions provided in 15 U.S.C. 5402, the following definitions are applicable to this part:

Abandonment of the Application. The application for registration of a trademark on the Principal Register is no longer pending at the United States Patent and Trademark Office.

Act. The Fastener Quality Act (15 U.S.C. 5401 *et seq.*, as amended by Pub. L. 104-113, Pub. L. 105-234, and Public Law 106-34).

Administrative law judge (ALJ). The person authorized to conduct hearings in administrative enforcement proceedings brought under the Act.

Assistant Secretary. The Assistant Secretary for Export Enforcement, Bureau of Export Administration.

Department. The United States Department of Commerce, specifically, the Bureau of Export Administration, NIST and the Patent and Trademark Office.

Director, NIST. The Director of the National Institute of Standards and Technology.

Director, USPTO. The Under Secretary for Intellectual Property and Director of the United States Patent and Trademark Office.

Fastener Insignia Register. The register of recorded fastener insignias maintained by the Director.

Final decision. A decision or order assessing a civil penalty or otherwise disposing of or dismissing a case, which is not subject to further review under this part, but which is subject to collection proceedings or judicial review in an appropriate Federal district court as authorized by law.

Initial decision. A decision of the administrative law judge which is subject to review by the Under Secretary for Export Administration, but which becomes the final decision of the Department in the absence of such an appeal.

Party. The Department and any person named as a respondent under this part.

Principal Register. The register of trademarks established under 15 U.S.C. 1051.

Respondent. Any person named as the subject of a charging letter, proposed charging letter, or other order proposed or issued under this part.

Revisions includes changes made to existing ISO/IEC Guides or other documents, and redesignations of those Guides or documents.

Under Secretary. The Under Secretary for Export Administration, United States Department of Commerce.

[61 FR 50558, Sept. 26, 1996. Redesignated and amended at 65 FR 39801, June 28, 2000]

Subpart B—Petitions, Affirmations, and Laboratory Accreditation

SOURCE: 65 FR 39801, June 28, 2000, unless otherwise noted.

§ 280.101 Petitions for approval of documents.

(a) *Certification.* (1) A person publishing a document setting forth guidance or requirements for the certification of manufacturing systems as fastener quality assurance systems by an accredited third party may petition the Director, NIST, to approve such document for use as described in section 3(7)(B)(iii)(I) of the Act (15 U.S.C. 5402(7)(B)(iii)(I)).

(2) Petitions should be submitted to: FQA Document Certification, NIST, 100 Bureau Drive, Gaithersburg, MD 20899.

(3) The Director, NIST, shall approve such petition if the document provides equal or greater rigor and reliability as compared to ISO/IEC Guide 62, including revisions from time to time. A petition shall contain sufficient information to allow the Director, NIST, to make this determination.

(b) *Accreditation.* (1) A person publishing a document setting forth guidance or requirements for the approval of accreditation bodies to accredit third parties described in paragraph (a) of this section may petition the Director, NIST, to approve such document for use as described in section